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QUOTE:

UNCLAS PORT MORESBY 0004

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SUBJECT: DRAFT CONSTITUTION PRESENTED

CHIEF MINISTER MICHAEL SOMARE TABLED THE LONG-AWAITED
REPORT OF THE CONSTITUTIONAL PLANNING COMMITTEE IN THE
HOUSE OF ASSEMBLY ON JUNE 27. THE DRAFT CONSTITUTION
WILL CONSIST OF 17 CHAPTERS, BUT ONLY 15 WERE TABLED,
AND NONE OF IT WILL BE GENERALLY AVAILABLE FOR AT LEAST
SEVERAL DAYS. THE FOLLOWING POINTS FROM THE DRAFT ARE
DRAWN FROM THE ACCOUNT IN THE PAPUA-NEW GUINEA POST-
COURIER AND FROM A FEW BRIEF CONVERSATIONS WITH OFFICIALS:

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- LIKE THE CONSTITUTION OF INDIA, THE PROPOSED CON-

STITUTION IS VERY LONG AND DETAILED.

- THERE WILL BE NO HEAD OF STATE, BUT THE SPEAKER OF THE HOUSE, ELECTED BY THE HOUSE, WILL HAVE SOME OF THE RESPONSIBILITIES NORMALLY ATTACHED TO THE HEAD OF STATE UNDER THE WESTMINSTER SYSTEM. OTHER EXECUTIVE POWERS WILL RESIDE IN THE NATIONAL EXECUTIVE COUNCIL, WHICH WILL CONSIST OF THE PRIME MINISTER AND FROM 15, TO 26 OTHER MEMBERS OF THE HOUSE.

- THE PRIME MINISTER WILL BE HEAD OF GOVERNMENT.

- THE HOUSE (TO BE RENAMED THE NATIONAL PARLIAMENT) WILL HAVE AT LEAST THREE PERMANENT COMMITTEES OF 10 TO 12 MEMBERS WHO ARE NOT MINISTERS. THESE COMMITTEES WILL HAVE A WATCH DOG ROLE.

- CANDIDATES FOR THE PARLIAMENT MUST PASS A LITERACY TEST IN PIDGIN, HIRI MOTU OR ENGLISH, AND MUST HAVE NO OTHER PAID EMPLOYMENT.

- A NATIONAL COURT OF JUSTICE WILL REPLACE THE SINGLE-JUDGE JURISDICTION OF THE SUPREME COURT AND A THREE JUDGE SUPREME COURT WILL BE THE FINAL COURT OF APPEAL FOR THE NATION.

- CITIZENSHIP IS BESTOWED AUTOMATICALLY ON ANY PERSON BORN IN PAPUA NEW GUINEA IF THE PERSON IS NOT A CITIZEN OF ANOTHER COUNTRY AND IF THE INDIVIDUAL HAS AT LEAST TWO INDIGENOUS GRANDPARENTS. THE REPORT DEFINES INDIGENOUS GRANDPARENTS AS PERSONS WHOSE FOUR GRANDPARENTS WERE BORN IN PAUA NEW GUINEA OR AN ADJACENT AREA - IRIAN JAYA, THE BRITISH SOLOMONS OR THE TORRES STRAITS ISLANDS.

- OTHERS ARE NOT DISQUALIFIED FROM CITIZENSHIP, BUT COMPLICATED RESTRICTIONS AND WAITING PERIODS ARE TO BE ESTABLISHED.

IN TABLING THE REPORT, SOMARE STATED THAT ALL THE
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CHAPTERS HAD NOT BEEN PRINTED AND THERE HAD BEEN NO CHANCE FOR MEMBERS OF THE COMMITTEE TO READ THE FINAL VERSION AND ADOPT IT FORMALLY. HENCE, SOMARE TABLED A DRAFT MINORITY REPORT ON BEHALF OF HIMSELF AND DR. GUISE. THE MINORITY REPORT IS NOT YET AVAILABLE, BUT AS REPORTED IN THE PRESS, IT CRITICIZED THE DETAILED NATURE OF THE PROPOSED CONSTITUTION, OFFERED ALTERNATIVE CITIZENSHIP PROPOSALS, CALLED FOR THE ELECTION OF A PRESIDENT, AND

REJECTED THE ESTABLISHMENT OF PERMANENT WATCHDOG COMMITTEES.

THE HOUSE OF ASSEMBLY HAS BEEN RECESSED UNTIL JULY 4
SO THAT MEMBERS CAN READ THE CPC REPORT AND SOMARE'S
COUNTER PROPOSAL AND CAN HOLD INFORMAL TALKS.

COMMENT: MAJOR DIFFERENCES BETWEEN SOMARE AND THE
CONSTITUTIONAL PLANNING COMMISSION APPEAR TO CENTER AROUND
CITIZENSHIP AND EXTENT OF PARLIAMENT'S AUTHORITY.
DIFFERENCES ARE ALSO APPEARING WITHIN PANGU PARTY.
AS PANGU NATIONAL PRESIDENT MOI AVEI HAS REPORTEDLY
THREATENED TO RESIGN BECAUSE MAJOR DECISIONS WITHIN THE
PARTY ON THE CONSTITUTIONAL ISSUE HAD BEEN MADE BY THE
PARLIAMENTARY MEMBERS WITHOUT REFERENCE TO THE PARTY'S EXECUTIVE.
WHILE THESE ARE IMPORTANT DIFFERENCES, MY EARLY IMPRESSION
IS THAT PRESS REPORTS ARE EXAGGERATING THE SERIOUSNESS
OF THE SITUATION.

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